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Committee on the Rights of the Child
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Summary record of the 1953rd (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Jamaica (continued) (CRC/C/JAM/3-4; CRC/C/JAM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jamaica took places at the Committee table.*

2. **Ms. Hanna** (Jamaica), responding to questions about children with disabilities raised at the 1951st meeting, said that a new National Strategic Plan for Early Childhood Development had been drawn up for 2014–2018. There were 1,539 children registered under the Early Stimulation Programme, of which 922 were from urban areas and 610 from rural areas. Around 70 per cent of those covered by the programme were from low-income families: they received grants ranging from 20,000 to 100,000 Jamaican dollars. A national community-based rehabilitation programme provided assistance to 396 children with disabilities across a number of urban and rural parishes, and non-governmental organizations (NGOs) also provided services for children with disabilities.

3. The Disability Act, adopted in October 2014, stipulated that all schools must be fully accessible for children with disabilities. NGOs had developed most of the existing teaching materials for children with disabilities, and several private sector stakeholders had provided funding for the construction of accessible buildings and the provision of suitable equipment. Efforts had been made to devise a harmonized and comprehensive national curriculum for children with disabilities, and teachers would receive in-depth training on its contents prior to its national launch. The primary school curriculum had been adapted to make provisions for children with mild disabilities, and the secondary school curriculum had been divided into three tracks to accommodate children's learning needs. The National Youth Service, responsible for providing training and work placements for adolescents aged 17 to 25, had reserved 10 per cent of all placements for young persons with disabilities.

4. **The Chairperson** asked whether the Government intended to include all of the 4,000 children with disabilities who were currently in special needs schools in mainstream education.

5. **Ms. Hanna** (Jamaica) said that the Government's aim was to do just that. Around 250 children with mild forms of disability had been placed in mainstream schools from 2012 to 2014. The Government had recently conducted a survey of the educational needs of children with disabilities in order to determine the amount of resources required to establish appropriate educational facilities in all parishes, particularly those in rural areas. Steps had also been taken under the Disability Act to provide appropriate training to teachers on accommodating children with different forms of disabilities in mainstream education.

6. As for sexual and reproductive health services in rural areas, health clinics had been established across the country. They provided primary health care for the local population, including children, as well as information and counselling on contraception and sexually transmitted diseases (STDs). Pregnant girls could access maternity care which was non-judgemental and adapted to their needs. Instances when pregnant girls or minors under the age of 16 had contracted STDs were reported to the relevant authorities for investigation. In regard to the higher rate of STDs among girls, particularly those from low-income families, steps had been taken to improve sexual and reproductive health education and provide assistance to disadvantaged families. There were also several public campaigns which aimed to provide information on contraceptive methods and deter young girls from entering prostitution. Furthermore, efforts had been made to reintegrate teenage mothers into school after they had given birth, and cases of teenage pregnancy were monitored to ensure that as many school-age mothers as possible completed their basic education.

7. Concerning children's mental health, she said that the overall rate of child suicide in Jamaica was extremely low, but the number of children displaying suicidal tendencies was a matter of concern. The Government, with the support of the United Nations Children's Fund (UNICEF), had conducted a study on child mental health in 2012 which had shown that 21 per cent of girls and 23 per cent of boys aged 13 to 15 had attempted to commit suicide or had experienced suicidal thoughts. The Ministry of Health had established a task force, responsible for addressing the high rates of children displaying suicidal tendencies, which had recommended the introduction of training for front-line medical staff, teachers and school counsellors to improve the identification of children at risk. In addition, the Government would shortly be introducing a specific programme to ensure that children and adolescents at risk of developing suicidal thoughts received prompt and effective support and pre-emptive treatment.

8. Lastly, in regard to the costs of secondary education, she said that children could enrol for free, but must pay any external examination fees. The Government had implemented safeguards under the Programme for Advancement through Health and Education to ensure that students from low-income families had equal access to secondary education and that no child was excluded from completing basic education owing to poverty. There was, however, still a national shortfall in the number of schools and classrooms required for the number of enrolled students. The shift system had been introduced to provide a temporary solution, but efforts were also under way to construct the additional schools and classrooms required to accommodate all students during the normal school day. There was no shortfall in the overall number of teachers in Jamaica, but there was a shortage of suitably qualified teachers in mathematics and the sciences. The Government had therefore introduced a number of in-service training courses to develop the skills of existing teaching staff and had stepped up its campaign to recruit suitably qualified teachers.

9. **The Chairperson** asked why girls could not attend mainstream school while pregnant and wished to know whether there was a negative perception of teenage mothers in the State party.

10. **Ms. Hanna** (Jamaica) said that Government policy stipulated that pregnant girls could not attend mainstream school while pregnant, but provisions had been made to ensure that all teenage mothers continued their education after giving birth. There was no negative perception of teenage mothers in Jamaica, and girls wishing to continue their education while pregnant could attend separate classes at the Women's Centre of Jamaica Foundation.

11. **Ms. Khazova** asked whether girls returning to school after giving birth were required to repeat the year they had missed.

12. **Ms. Hanna** (Jamaica) said that they were not required to do so. Responding to previous questions regarding the high number of homeless children working on the streets, she said that the Government had raised, from 13 to 15, the age at which children could perform light work in an effort to address that matter. It had also introduced a programme in cooperation with the International Labour Organization (ILO) to reduce children's exposure to hazardous or harmful employment and would be launching an in-depth study into child labour in 2015, with a focus on children living on the street. The Occupational Safety and Health Unit had reported no cases of child labour in the over 3,000 workplace inspections conducted in recent years and had organized several awareness-raising activities on child labour legislation for employers.

13. Referring to the measures and programmes in place to support children living on the streets and reintegrate them into the education system, she said that the police, in partnership with the Child Development Agency, were responsible for identifying and offering assistance to children living on the streets. The Possibility Programme had been

designed as a multi-agency initiative to reduce the number of children and adolescents living on the streets, particularly young men. Under the programme, around 693 young men had received assistance and 750 children had been offered skills training. Notwithstanding the significant progress made, the Government was aware that more needed to be done to address the problem of children living on the streets, particularly those children who repeatedly ran away from home.

14. **Ms. Aldoseri** (Country Rapporteur) asked whether children as well as young men living on the streets had access to skills training.

15. **Ms. Hanna** (Jamaica) confirmed that they did, under the Possibility Programme. The programme also provided for children to be temporarily placed in care centres, where their families were encouraged to visit and support their reintegration into family life.

16. **Mr. Gastaud** asked what steps had been taken to prevent children from repeatedly returning to live and work on the streets. He also wished to know whether orphans were placed in care or whether efforts were made to find other members of their families.

17. **Ms. Hanna** (Jamaica) said that the police worked in partnership with the Child Development Agency to ensure that the issues affecting children who repeatedly returned to live on the streets were adequately addressed. Children experiencing sexual or physical violence were placed in care and were not allowed to return to the family home until it had been established that they faced no future risks or threats. Most orphans were initially placed in one of a number of children's homes while efforts were made to locate and approach their families.

18. **Mr. Madi**, noting the recent raising of the age at which children could perform light work, asked whether, for the purposes of workplace inspections, labour inspectors considered a child to be a person under the age of 13 or 15. He also wished to know whether the 699 cases of child labour previously mentioned had been investigated under the Child Care and Protection Act and whether any sanctions had been brought against the respective employers.

19. **Ms. Hanna** (Jamaica) said that the Office of the Children's Registry had received anonymous reports of approximately 699 cases of child labour between 2007 and 2013 and had taken the requisite steps to investigate and act on those allegations.

20. Turning to the issue of rural to urban trafficking of children for the purposes of prostitution and sexual exploitation, she said that the national task force responsible for combating child trafficking had investigated 35 cases under the Trafficking in Persons Act, of which 5 had resulted in arrest. Since 2014, some 76 law enforcement officers had been trained in the identification and handling of child trafficking cases, and several housing facilities had been made available for rescued child trafficking victims. To date, the police had rescued around 23 victims and had brought charges against one perpetrator. In regard to cases of child pornography, the police had made two arrests, but no convictions had yet been handed down. There was an array of services designed to protect and support child trafficking victims and their families, including safe houses, identity protection programmes and specialized medical and psychological support.

21. As for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government had drafted its report, which was now under review prior to its submission to the Committee, as required, by March 2015. Jamaica had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2011 and would commence the drafting of its report in April 2015.

22. **The Chairperson** requested additional information on the steps taken to identify, monitor and investigate cases of rural to urban trafficking of children for the purposes of

prostitution and sexual exploitation. She also wished to know what had been done to prevent missing children from becoming victims of trafficking. How many of the 23 persons rescued from trafficking were children?

23. **Ms. Hanna** (Jamaica) said that the Government had established a number of data collection mechanisms to track the movement of children from rural to urban areas. According to various studies on missing children, the main reasons for the disappearance of a child were largely confined to family conflicts and domestic issues and had no link to trafficking. There had been very few cases of missing children becoming victims of trafficking in recent years; out of the 23 persons rescued from trafficking, only a small number were children.

24. In response to a question from **Mr. Gastaud** regarding transnational trafficking and people smuggling, she said that Jamaica was little affected, either as a country of destination or as a country of origin, but the threat was taken very seriously. The security services had all necessary checks and balances in place and bilateral cooperation agreements had been concluded with neighbouring countries.

25. **Ms. Aldoseri** asked whether the national plan of action on child labour had been adopted or was still in the drafting and review stage; what kinds of light work were permissible for persons aged 13 to 15 years; and whether the Occupational Safety and Health Act had been enacted.

26. **Ms. Hanna** (Jamaica) said that the light work generally consisted of non-hazardous retail or office work during holiday periods. Adolescents aged over 17 might also gain work experience through the National Youth Service or internships. Support for low-income and single-parent families was available through various schemes, including the Programme of Advancement Through Health and Education (PATH) and a system of disability grants, but there were no State-run day-care facilities.

27. The Occupational Safety and Health Act was still in draft form but was ready for submission to Cabinet, as was the review of the Children (Adoption of) Act. New adoption legislation would be drafted by the Chief Parliamentary Counsel once the required amendments had been agreed. Although adoption procedures had been streamlined and much of the historical backlog had been cleared, the process remained cumbersome and there were still around 40 cases pending. Adoptions usually took between 6 months and 1 year to complete; intrafamily adoptions were frequently concluded rapidly, while more complex adoptions involving newborn babies were often subject to delay. Prearranged adoptions were illegal; all prospective adopters were first required to contact the Child Development Agency.

28. Countering reports that foster care in Jamaica was underfunded and inadequately supported by the social services, she said that most children did well in foster families, with a number progressing into tertiary education. Foster families received annual educational grants as well as monthly stipends, and the children concerned were visited by their social workers at least every 6 months. Overall, the Government spent close to 1.7 billion Jamaican dollars annually on foster programmes, children's homes and other places of safety. Nonetheless, a task force led by the advisor on children's affairs was seeking ways to harness economies of scale that might free up more resources for foster families.

29. Providing clarification in response to a series of queries from **Ms. Muhamad Shariff** (Country Rapporteur), she explained that the aforementioned expenditure of 1.7 billion Jamaican dollars represented a monthly outlay of around 4,000 Jamaican dollars for each child in foster care and between 6,000 and 14,000 Jamaican dollars for each child in institutional care. Where justified, families might be granted additional funds, particularly if they were caring for more than one child. However, the authorities were anxious to prevent financial motivations from overriding others. As long as budget constraints precluded the

possibility of increasing the standard allowance, correcting inefficiencies and adding value would remain the main focus.

30. Special functions were organized and incentives and scholarships offered for children doing well in foster care and at school. In the event that a child failed to thrive in the foster environment, the Child Development Agency met with the family concerned and sought ways to provide remedial support. Lastly, in response to an earlier question, she said that reports that the authorities sometimes failed to find a place in a children's home or place of safety for children ruled by the courts to be at risk were unfounded.

31. **Ms. Keating** (Jamaica), updating the Committee on progress towards full implementation of the recommendations made in the 2003 report on the quality of care provided to wards of the State in Jamaica, said that 29 of the 46 recommendations — those which had required organizational change within the Child Development Agency — had been fully implemented. The 15 recommendations which had required changes in the strategic approach to childcare management were in varying stages of implementation. The recommendations related to the foster care programme and to taxation had not been implemented due to their financial implications.

32. Responding to a request from **Ms. Muhamad Shariff** for information about improvements made since the report's publication, she explained that the Child Development Agency's elevation to executive agency status had given it greater flexibility to take certain decisions without prior Government approval. The transfer of the child protection portfolio from the Ministry of Health to the Ministry of Youth and Culture had placed increased emphasis on childcare and protection policy and had improved efficiency and oversight in the operation of the Child Development Agency. The recent creation of a children's affairs division within the Ministry should contribute to further improvements.

33. **Ms. Hanna** (Jamaica), responding to a request from **Ms. Muhamad Shariff's** for details of the new case management system adopted in 2014 as a result of the recommendations just described, said that, whereas records had previously been maintained manually and there had been no cohesive strategy for coordination between the various stakeholder agencies, the movement of children through the care system would henceforth be tracked electronically from the moment of entry to exit. The system had been developed in line with best practices in Canada and should be fully operational by 2017.

34. In response to a further question from **Ms. Muhamad Shariff** about improvements affecting the residential care system, she said that key changes had included: the introduction of continuous staff training, mentoring programmes and enhanced physical security measures; infrastructure upgrades, including new dormitories; the establishment of a mobile therapy and counselling clinic which visited each home approximately once a month; and the adoption of more stringent compliance and licencing requirements. Overall, the review process had been both highly instructive and highly fruitful.

35. Answering a question from **Ms. Aldoseri** about incidents of institutional abuse of children, she said that the Government had adopted a zero-tolerance approach. Staff suspected of abuse were immediately suspended and all complaints were thoroughly investigated. If subsequently found to have been derelict in their duties, staff members were permanently removed from service. Fortunately there had been very few such incidents. Compensation had already been awarded to two families of children who had died while in institutional care, and the remaining cases were either pending before the courts or with the Attorney General's Department. The lockdown system judged partly to blame for the fatalities had been abandoned in favour of open facilities.

36. In response to a further question from **Ms. Aldoseri** regarding the separation of *juvenile offenders from children in need of care and protection*, she said that children with

behavioural difficulties were no longer placed in juvenile detention centres; instead, staff in children's homes received special training in how to deal with "uncontrollable" children.

The meeting was suspended at 11.40 a.m. and resumed at 12 p.m.

37. **Ms. Hanna** (Jamaica), responding to an earlier request for updated information on the National Child Diversion Policy, said that the Policy's numerous aims included: reducing the number of children who came into contact with the formal justice system; ensuring, in accordance with the principle of the best interests of the child, that institutionalization was a punishment of last resort only; preventing recidivism by reducing exposure to negative experiences of the formal justice system, which left children angry and resentful; minimizing the risk of children learning deviant behaviours and criminal practices while in custody; alleviating the case burden and backlog within the juvenile justice system; promoting restorative justice, rehabilitation and restitution; and reducing the stigma of labelling which sometimes afflicted children in conflict with the law, particularly at school.

38. While the policy was being rolled out nationwide, juveniles who committed minor offences would be referred to restorative justice mechanisms instead of facing prosecution and would be offered counselling and psychosocial support. Community service orders would be used in preference to custodial sentences. In most cases, decisions regarding whether or not to prosecute would be the preserve of police constables, who worked closely with the local community. It was hoped that the new system would change perceptions of the role of police constables so that they would come to be seen as sources of assistance and guidance as much as enforcers of the law.

39. Responding lastly to a question from **the Chairperson**, she said that a dedicated training programme for community constables was currently being piloted. The aim was to build up a skilled corps of trained constables as the programme was rolled out nationwide.

40. **Ms. Muhamad Shariff** asked whether there was a danger that constables might misuse the large amount of discretion they seemed to have.

41. **The Chairperson** asked what criteria or guidelines were to be used by constables in deciding whether children should be prosecuted and whether, once children had already been charged, they could be removed from the mainstream justice system to benefit from alternatives to detention.

42. **Ms. Herczog** asked whether restorative justice was practiced in schools, as an alternative to expulsion and suspension, and how the public had reacted to the diversion policy.

43. **Ms. Hanna** (Jamaica) pointed out that the policy had only recently been launched, so it was too early to gauge how it was perceived by the public. Several other programmes aimed at reducing violence and crime were being implemented, with encouraging results. The Safe School Programme had yielded a 53 per cent reduction in violence within schools; and the Unite for Change campaign had experimented with a curfew for children, monitored by members of the local community. Those and other schemes had contributed, in 2014, to a 25 per cent reduction in crime in certain areas.

44. **The Chairperson** recalled that a question had been raised on what was being done to stop children's recruitment in the informal labour market and to gather data about the practice.

45. **Ms. Hanna** (Jamaica) said that an ILO-funded study now under way would provide relevant data, including on the movement of children from rural to urban areas related to informal labour.

46. Strategies for raising children's awareness about the impact of climate change included instruction on the subject at all educational levels; beach cleaning and tree planting programmes had been organized to highlight the impact of climate change on people, the environment and natural resources. The Office of Disaster Preparedness and Emergency Management had developed protocols for protecting children in disaster situations. All schools and residential childcare facilities were required to train key personnel.

47. Responding to an earlier question about the relationship between lower adolescent crime rates and the abolition of the "uncontrollable behaviour" label, she said that there was no empirical evidence of a correlation between the two.

48. The Committee had apparently uncovered data, to which she herself was not privy, pointing to criminal activity directed against adolescents on a massive scale. She had alerted the Minister of National Security, who had agreed to look into the matter.

49. In answer to questions about children held in police cells, she said that the practice was legal in Jamaica, as in many other countries. She was informed every week about the number of children being held in police lock-ups, which usually ranged from about 15 to 21. Children under 12 were never held in police lock-ups, as the Child Development Agency took charge of them immediately. Her country recognized that detention of juveniles in police cells was not ideal. The key priorities were to avoid detaining children with adults and to use child-friendly facilities where possible, particularly if children were being held for their own protection, rather than on a criminal charge. Five police stations were currently being equipped with child-friendly facilities: the aim was to have one in each parish. Even where detention was necessary, such as when a child was suspected of a major crime, the objective was for the child to appear before a judge within 48 hours. Any child ordered by a judge to remain in remand longer than 48 hours had to be placed in a child-friendly facility.

50. **The Chairperson** welcomed the fact that children were not, in practice, sentenced to death or life imprisonment, and asked whether either or both were prohibited by law.

51. **Ms. Hanna** (Jamaica), quoting section 78 of the Child Care and Protection Act, said that the death sentence for children was banned but that life imprisonment was still possible under the law.

52. Turning to the questions on gang violence, she said that a range of measures had been taken to deal with it, including the formation of an anti-gang unit, a strategy to curtail the sale of firearms, legislation to deny gangs access to firearms and to the proceeds of crime and the introduction of stricter border controls and vehicle searches. There was no evidence that gangs were retaliating against former gang members or the State.

53. One suicide had been recorded to date in the juvenile correctional system. A suicide and self-harm prevention policy was now operational; the Department of Correctional Services provided children in its care with counselling where required; and over 400 Department staff had been trained to detect, manage and respond to suicidal tendencies.

54. More than 4,000 children were currently in State care in the 51 children's homes, places of safety and foster care facilities nationwide. The Government was taking measures to improve their experience of care, including by: training staff; arranging for US$ 1.38 million to be provided in support of girls preparing to leave State care; launching an inquiry into any harm allegedly inflicted on a child in State care and punishing the perpetrators; and maintaining a 24-hour telephone helpline and online equivalents to allow children to complain of mistreatment.

55. On the question of access to reproductive health services, she said that parental consent was required for children under 16 to be provided with contraceptives. The

provision by health-care professionals of contraceptives could be viewed, under the Sexual Offences Act, as aiding and abetting a minor. The effect, however, was to deny minors access to reproductive health-care services. A government paper looking at the issues involved and how to exempt health-care professionals from potential prosecution was soon to be considered by Cabinet.

56. **The Chairperson** asked what steps were being taken to combat discrimination against children with HIV/AIDS, children with disabilities and LGBT children.

57. **Ms. Hanna** (Jamaica) said that such discrimination was discouraged in schools; in the past 10 years improvements had been made with regard to discrimination against those with HIV/AIDS; the Ministry of Transport was considering ways to reduce abuse towards disabled people on public transport; and the channels of communication between LGBT groups and the Government were open.

58. **Ms. Khazova** asked why the incidence of breastfeeding in Jamaica was so low and whether reports that employers did not allow mothers breaks at work to breastfeed were true.

59. **Ms. Hanna** (Jamaica) said that Jamaica had been one of the first countries to pass legislation entitling mothers to maternity leave with pay. Breastfeeding was encouraged, and hospitals had run relevant information campaigns.

60. Responding to a question on birth registration, she said that a systematic programme was in operation to register those without birth certificates. That was important, as proof of registration was needed to access a place at school.

61. **Ms. Aldoseri** (Country Rapporteur) said that she was grateful to the delegation for its replies. She welcomed the amount of legislation enacted on children's rights and would look forward to evidence of the impact of that legislation, once implemented. Many questions had remained partially unanswered. Violence against children still needed to be addressed urgently: anti-violence legislation should be more precisely drafted and more rigorously enforced; families, schools and other relevant actors must be involved more fully. The Committee was also looking forward to the State party's initial reports under two of the Optional Protocols to the Convention, and encouraged Jamaica to ratify the Optional Protocol on a communications procedure as well.

62. **Ms. Hanna** (Jamaica) thanked the Committee for the opportunity to engage in a dialogue which was going to become an ongoing process.

The meeting rose at 1 p.m.